

8/27/2012 4:40 PM

**DOCKET NO. D-2008-033 CP-2**

**DELAWARE RIVER BASIN COMMISSION**

**London Grove Township Municipal Authority  
Wastewater Treatment Plant / Spray Irrigation Facility  
London Grove Township, Chester County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by URS Corporation on behalf of London Grove Township Municipal Authority on December 27, 2011 (Application), for modification of a wastewater treatment plant (WWTP) approval. The project was approved by the Pennsylvania Department of Environmental Protection (PADEP) by issuance of Water Quality Management (Part II) Permit No. 1508411 on September 17, 2010.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Chester County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on September 12, 2012.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this docket is to modify the approval of the Conard Pyle WWTP, which consists of a treatment lagoon and spray irrigation facilities, to approve the reduction in the hydraulic design capacity of the WWTP from 0.607 million gallons per day (mgd) to 0.143 mgd. The reduction in hydraulic capacity is a result of a portion of the previously approved spray irrigation facilities being removed from the project and not being constructed.

**2. Location.** The project WWTP and appurtenant facilities are located in two (2) locations in London Grove Township. The Conard Pyle WWTP is located on Rose Hill Road, south of its

intersection with State Road and the Kauffman Spray Irrigation Facility (Spray Field) is located approximately one (1) mile south of the project WWTP, along Garden Station Road. The Kauffman Spray Field is located adjacent to a tributary to the Middle Branch of the White Clay Creek.

The project facilities are located in the Brandywine-Christina Watershed as follows:

FACILITY	LATITUDE (N)	LONGITUDE (W)
Treatment Lagoon	39° 49' 00"	75° 48' 30"
Kauffman Spray Field	39° 48' 05"	75° 48' 20"

**3. Area Served.** The existing WWTP will continue to receive wastewater flows from portions of London Grove Township, Chester County, Pennsylvania.

For the purpose of defining the Area Served, sections B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

**4. Physical Features.**

**a. Design Criteria.** The Conard Pyle WWTP is proposed to treat domestic sanitary wastewater through an aerated lagoon treatment system and spray irrigation facilities. The WWTP is hydraulically designed to treat a flow of 0.143 mgd. The previous DRBC docket (Docket No. D-2008-033 CP-2) approved a hydraulic design capacity of 0.607 mgd for the WWTP. However, a portion of the spray fields were removed from the project, resulting in the reduction in design flow from 0.607 mgd to 0.143 mgd.

**b. Facilities.** The project WWTP consists of an aerated lagoon treatment system that pumps treated domestic sanitary wastewater effluent to the off-site Kauffman Spray Field for slow rate land application via spray irrigation. According to the docket holder, the project facilities are nearing construction completion, with anticipated completion date in October of 2012.

The previous docket (D-2008-033 CP-1) approved the Conard Pyle WWTP including three (3) off-site spray irrigation facilities: the Dubosq Spray Field, the Kauffman Spray Field and the Ward Spray Field. However, the Dubosq and Ward Spray Fields were removed from the project and not constructed. This docket updates the DRBC approval to remove the Dubosq and Ward Spray Fields from the Conard Pyle WWTP.

The Conard Pyle WWTP treatment process is described as follows. Wastewater will be conveyed through force mains from off-site pump stations to the on-site screen building. After screening, wastewater will flow by gravity to aerated treatment lagoons which feature Aqua Aerobic floating aerators. The wastewater then will flow by gravity to a storage lagoon and then to the filter feed pump station.

The filter feed pump will direct wastewater to the effluent filter building, where it will be conditioned with sodium hypochlorite, alum and polymer prior to entering a static mixer, followed by a flocculation tank. Treated effluent from the flocculation tank is directed to two (2) Aqua Aerobics disk filters. After filtration, the effluent is disinfected with ultraviolet (UV) light and directed to a storage lagoon for distribution (via pumping) to the Kauffman Spray Field.

The project facilities aren't located in the 100-year floodplain.

c. **Water withdrawals.** The potable water supply in the project service area is provided by Chester Water Authority, which was most recently approved in DRBC Docket No. D-1989-017 CP-1 on December 8, 1993.

d. **Water Quality Management (Part II) Permit / DRBC Docket.** The Water Quality Management (Part II) Permit No. 1508411 approved by PADEP on September 17, 2010, includes final effluent limitations for the project discharge to the project spray field. The following average monthly effluent limits are among those listed in the Water Quality Management permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in Part II Permit**

Spray Irrigation Effluent		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by Part II Permit
Total Suspended Solids	30 mg/l	As required by Part II Permit
Total Nitrogen	22 mg/l*	
CBOD (5-Day at 20° C)	25 mg/l	As required by Part II Permit
Fecal Coliform	200 colonies /100 ml as a geo. avg.	As required by Part II Permit

\* DRBC *Water Quality Regulations* (WQR) include basin-wide ammonia-nitrogen effluent limits. Meeting the total nitrogen limit of 22 mg/l satisfies the DRBC criteria for ammonia-nitrogen.

e. **Relationship to the Comprehensive Plan.** The DRBC included the London Grove Township Municipal Authority WWTP in the Comprehensive Plan on December 10, 2008 via Docket No. D-2008-033 CP-1.

## **B. FINDINGS**

This docket modifies the approval of the Conard Pyle WWTP to reduce the hydraulic capacity of the WWTP from 0.607 million gallons per day (mgd) to 0.143 mgd. The reduction in hydraulic capacity is a result of a portion of the previously approved spray irrigation facility not being constructed.

The previous docket (D-2008-033 CP-1) approved the Conard Pyle WWTP which consisted of an aerated lagoon treatment system and spray irrigation facilities. The treated disinfected effluent was proposed to be pumped to the off-site Dubosq Spray Field, Kauffman

Spray Field and the Ward Spray Field. However, the Dubosq and Ward Spray Fields were removed from the project and not constructed, and therefore this docket reflects the reduction in hydraulic capacity as a result of the removal of these two (2) spray fields.

According to the docket holder, the project facilities are nearing construction completion, with anticipated completion date in October of 2012.

The limits in the Water Quality Management (Part II) Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the *Water Quality Regulations* of the DRBC.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

### **C. DECISION**

I. Effective on the approval date for Docket No. D-2008-033 CP-2 below:

- a. The project described in Docket No. D-2008-033 CP-1 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2008-033 CP-2; and
- b. Docket No. D-2008-033 CP-1 is terminated and replaced by Docket No. D-2008-033 CP-2; and
- c. The project and the appurtenant facilities described in Section A “Physical Features” of this docket shall be continued in the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

- a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.
- b. The facility and operational records shall be available at all times for inspection by the DRBC.
- c. The facility shall be operated at all times to comply with the requirements of the Commission’s *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Table(s) in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

i. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

j. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made.

k. This docket approval shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

l. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served section of this docket, which incorporates by reference sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION section.

m. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

n. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

o. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

p. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

q. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

r. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

s. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

t. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular,

renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

u. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

**BY THE COMMISSION**

**DATE APPROVED:**

**EXPIRATION DATE: September 12, 2017**